Previous references.

Ch 261–11;
Ch 66–11

1912

(Courts)

File No. 211 – 12

Serial Nos. 1 – 2

Later references.

Ch 199–13
– 67–14 (1-45)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 – 2

Part B. for December 13

SUBJECT.

Confirmation of Mr N.G. Lakshminarasimha Iyengar as munsiff as munsiff of 5th Class.

Table of Contents

1) From the Regr Ch Court no 2710/194 dr 12.2.13
Recommends that Mr N.G. Lakshminarasimhaiengar may be confirmed as munsiff of the last class with effect fro the 23rd March 1912

2) To the Regr Ch Court, no 1599 dr 28.11.13
States that Mr Lakshminarasimha Iyengar can not be confirmed before the 23rd March 14 for reasons stated.

MSanthanam
15/12/13

G.R.S. 11] 1912.

GENERAL AND REVENUE SECRETARIAT.

(Cont)

NOTES.

File No. 211 of 1912-

FILE HEADING.

Confirmation of Mr N.G. Lakshminarasimha Iyengar, Acting munsiff, as Munsiff, 5th class.

From

The Registrar, Chief Court

No. 2710/194 Dated 12.2.13 Received 13.2.13

Diary No. 1207 | Enclos. | Spare Copies. | Serial No. 1

BRIEF ABSTRACT OF LETTER.

Recommends that Mr N.G. Lakshminarasimha Iyengar may be confirmed as munsiff of the 5th class with effect from the 23rd March 1912.

NOTES AND ORDERS.

Mr N.G. Lakshminarasimha Iyengar has been acting as munsiff without interruption from the 21st Aug 1911. He is recommended for confirmation in the fifth class (Rs 200/- per mensem) with effect from the 23rd March 1912 in the vacancy caused by the death

P.T.O.

Flag V

Paper under disposal

NOTES—First Sheet.

GPB—30,000—12-8-11

General and Revenue Secretariat.

65 File No. 211 of 1912-13.

Serial No.

W

of Mr K. R. Narayana Iyengar, which took place on the 22nd march 1912.

Subd for orders. [Council letter.]

Kg.-129
22/2 SN 2 The question for consideration

Flag D

is, whether, under the new order vide dated 6-1-13, he should be appointed as Munsiff on probation or permanently without probation. The G.O says "an officer appointed to be Munsiff shall be on probation for 2 years & draw Rs 150 p.m as at present". It is therefore a point for orders whether he should be appointed on probation on a pay of Rs 150 p.m.

(for fey)

SPR 22/2.

3) Under the new Scheme, probation for two years is necessary before confirmation. Strictly speaking, he cannot be confirmed now under the new Scheme as it stands, for two reasons: — (i) Even from 28/8/13, the date of his acting appointment, 2 years have not yet elapsed: (ii) there can be no confirmation with effect from a date prior to that of the order (new scheme) viz 1st-or 1st Nov 1912: (vide para 2 of the order)

Flag D.

4) According to it, he should now be appointed Munsiff on probation from 6/1/13,

NOTE—Contn. sheet.

GPE—65,000—17-6-12.

R. S. 12]

General and Revenue Secretariat.

Ub File No. 211 of 1912-13

Serial No.

or from 1st Nov 1912.
the date of the Scheme. In this case there may be no hardship in doing so; but it may become necessary to dispense with probation when a person is chosen directly from the Bar for the Munsiff's place.

D. M. Narasinga Char
21/2
SPR 24/2

Scy)

2)

Consul matters

1st Councilor

23
8/3 Draft 10/3
SPR

3) What has become of the Question raised by me about Mr. Alasingalachar. Please put up the file -

11/3/13

4) The file has been submitted to the Dewan on 22nd ult.

(Secretary

23
12/3/13 Draft 13/3
SPR

5) This may be brought up after that file is disposed of, or Comes back -

C. Clerk
B III

13/3/13

29
14) Draft 15/3
SPR 15/3

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

C/S Bench in this SPR 13/3/13

General and Revenue Secretariat. | GS File No. 211 of 1912-13

Serial No.

8) The question raised about the pay of Mr D. Alasingaachar, Munsiff, was decided to be dropped.

Flag S

9) This file is resubd as ordered in para 7.

Kg. -129 SW 13/5/13 (Sch. Merits) 13/5/13

10) The Chief Court recommends Mr N. G. d Iyengar's confirmation from the 23rd March 1912. If this recommendation is accepted, then the strict terms of the G. O of 6-1-13 will not strictly apply, as it can apply only to appointments made after the date of the order. ~~Even~~ if If he is to be confirmed with effect from 23rd March 1912, then no question of probation under the recent order of 6-1-13 will arise. The only point for consideration then would be: what pay should he be given now? If Mr Alasingachar's case is to be treated as precedent, Mr N. G. d. Iyengar also will have to ~~be~~ be given Rs 200 from 1-11-12 As he too would be confirmed with effect from a date prior to the date of the G. O. of 6-1-13

Paper under Disposal

Flag D

Flag D

NOTE—Contn. sheet.

GPE—65,000—17-6-12.

● . R. S. 12]

General and Revenue Secretariat.

Ch File No. 211 of 1912-3.

Serial No.

to there is a permanent vacancy from 22-3-12, there seems to be no objection to confirm him with effect from 23-3-12, as recommended by the Chief Court

Dy Secy SPL 16/5

Paper under disposal Council matter.

11) Resubmitted with reference to para 7.

1st Councillor) Dy Secy 17/5 SPL 17/5

Mr. L. N. Sengar may be appointed officiating on probation on 150 Rs with effect from 23 March 1912

12 Please let me have the opinion of the Financial Secretary.

17/5/13 Dy 19/5

FL Secy) SPL 19/5

Subd 20/5 19/5 13 Mr. Sengar has been already acting in a place that proves his fitness, his service

NOTE—Contn. sheet.

GPE—65,000—17-6-12.

Serial No.

in the offer from the date it became permanently vacant unless taken or a period specified even this new period be subject to the issue of the new order and after the lapse of 2 yrs from that date he may get his 2 yrs

2/11.5.13

14 Under article 2, Mysore Service Regulations, an officer's claim to pay and allowances is regulated by the rules in force at the time in respect of which the pay and allowances are earned. Applying the principle of this rule to confirmation, it may be said that an officer's confirmation should be regulated by the rules in force at the time when the confirmation is due.

15 As there was a permanent vacancy with effect from 23rd March 1912 there is no financial objection to confirm Mr. Lakshminarasimha Iyengar from that date as recommended by the Chief Court. One important point has, however, to be borne in mind in this connection. In order that this officer may be confirmed from 23rd March 1912 his claims to confirmation must be made out to the satisfaction of Government by the service rendered by him prior to 23rd March

NOTE—Contn. sheet.

GPE—65,000—17-6-12.

General and Revenue Secretariat.

G5 File No. 41 of 1912-13

Serial No.

23rd March 1912; ~~and~~ the service rendered by him between 23rd March 1912 and this date should not be taken into consideration in this connection. In other words, if Government think that his confirmation would have been justified by the merits of his ~~xxxx~~ service up to 23rd March 1912 then only he can be confirmed with effect from that date. The experience which the Chief Court and the Government have gained of the quality of his work between 23rd March 1912 and this date cannot be made use of for cbnfirming him with effect fro m 23rd March 1912.

16 If Government be pleased to confirm Mr. Lakshminarasimha Iyengrar from 23rd March 1912 he will of course draw the minimum pay of a permanent Munsiff viz. Rs.200 a month with effect from 1st November 1912, the date from which the Government order dated the 6th January 1913 comes into operation.

24/5/13

17) Subd with reference to para 12.

Kg.-129
26/5/13

I think that the difficulty

NOTE—Contn. sheet.

GPE—65,000—17-6-12.

G.R. S. 12]

General and Revenue Secretariat.

File No. 241 of 1912-13.

Serial No.

(86)

With reference to para 12, the Financial Sec's views have been recorded.

Duncan 26/5

1st Comptroller

(87) The Financial Secretary to be consistent with his opinion given about Alasingaracher, approves of Mr Lakshminarayana also being given 200 Rs from the date of the Govt Order (1 Nov 1912). At the same time he wishes the Ch Ct and Govt to perform the Psychological feat of posting him by work done before March 1912.

(88) As I still think that there was an accidental error committed in favour of Mr Alasingaracher, I do not see why we should take it as a precedent.

(89) Mr. L. Iyengar may be confirmed from 23 March 1912 on which there was a vacancy, on 150 Rs. The new rules having come to force in Novr he was not entitled to get 200 Rs

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

R. S. 12].

General and Revenue Secretariat. | C6 File No. 24 of 1912-3

Serial No.

as a matter of course on the date of the later order. As a special case, he may be given 2 months from 21 August 1913, as it would then be two years from the date from which he has been munsif without interruption.

(May be circulated for Council)

23/5/13

2nd Commissioner & Dewan

2/6 2/6 2/6

22) I agree with the first Commissioner

12/6/13

12/6

L.J.

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

Submitted to His Highness.

'Paper under disposal'. 23) The Chief Court recommend that Mr.N.G.Lakshminarasimha Iyengar, B.A., B.L., acting Munsiff on Rs 150, may be confirmed with effect from 23rd March 1912 in the place of Mr.K.N.Narayana Iyengar who died on the 22nd idem.

24) 2. Mr.Lakshminarasimha Iyengar has been acting as Munsiff without interruption from the 21st August 1911. He would, under the old rules, have risen to the maximum pay of the last class of Munsiffs after two years permanent approved service on Rs 150, i.e. he would not have been entitled to get Rs 200 before the 23rd March 1914. Under the new rules prescribed in G.O.No.1869-70 dated 6th January 1913, an officer appointed to be Munsiff should, before confirmation, be on probation for two years on Rs 150.

D.

Page 7 of notes 25) 3. The Financial Secretary states that if Government think that the confirmation of this Munsiff would have been justified by the merits of his service up to 23rd March 1912, there is no objection to confirm him from that date as recommended by the Chief Court, and that, if he is so confirmed, he will, applying the rules <u>now</u> in force, be entitled to draw Rs 200 with effect from 1st November 1912, i.e. the date on which the new order about the Munsiffs came into force.

Pages 8 & 9 of notes 26) 4. The First Councillor is of opinion that, by an accidental error, Mr.D.Alasingrachar was allowed to draw Rs 200 from the 1st November 1912, though he had not put in two years' service as a permanent Munsiff and that there is no reason why this case should be taken as a precedent. He suggests that Mr.Lakshminarasimha Iyengar may be confirmed from the 23rd March 1912 on a pay of Rs 150 but, as a special case, given

Rs 200 with effect from 21st August 1913, the date on which he completed two years' continuous service as Munsiff.

Page 9 of notes. 27) 6. The Second Councillor agrees with the First Councillor.

28) 7. I think there is much force in the contention of the First Councillor. When the Government directed that the time scale fixed in their order of 6th January last, should be made applicable to the present officers, they did not, I believe, contemplate giving to the Munsiffs then acting an advantage which others similarly placed had not had in the past. Mr.Lakshminarasimha Iyengar cannot claim confirmation under the old rules and pay under the new. As observed by the First Councillor these officers should have the benefit of either the new rules or the old but not of both. The only reasonable course that may in my opinion be adopted in a transitional case like this, is to treat the appointment as on probation for two years from the date of the occurrence of a permanent vacancy which will be 23rd March 1912 in this case. Mr.Lakshminarasimha Iyengar's confirmation, if he continues to render approved service, will take effect after the lapse of the probation-ary period of two years reckoned from that date, and under the new rules he will, on confirmation, at once be entitled to draw Rs 200. That is also the date on which under the old rules he would have been entitled to draw ---- Rs 200.

29) 8. I am accordingly of opinion that the Chief Court may be informed that Mr.Lakshminarasimha Iyengar could not be confirmed before the 23rd March 1914.

M. Visvesvaraya -
9th Sep. 1913.

9220

Record of Cases submitted for the Orders of His Highness the Maharaja

Subject.

Confirmation of Mr. N.G.Lakshmi-narasimha Iyengar, B.A., B.L., acting Munsiff.

Order.

No. 237

30) ~~KRW~~
12/9/13

31) Secretary
14.9.13.
RO

B III
15/9 16/9

16/9 15/9/13

32 Draft-
JM
16/9

R. S. 12]

General and Revenue Secretariat.

File No. 211 of 1912-13

Serial No.

It is a matter for consideration if the trial can not be done by the Dist as the Chief Court recommendation has been rejected. vide last para of Other Manual may also be noted -

33) Draft as per para 29 of Sub.

Hg. -116
17.9.13 PSR

34) Revised draft.

SPR 17/9

35) Revised draft Sub.

Hg. -116
18.9.13 PSR.

Dr Secy)

SPR 19/9

Dewan 19/9

19/9

36) I do not quite understand the purport of the Dewan's note. Only reasoning is adopted but not my recommendation. The new order is in effect applied in its entirety and Mr. L. N. Iyengar is made a probationary Muff from 23 Mar 1912. But the order about the regrading had not come into force then. Under the old rule, he could be confirmed at once on that date. As a compromise fair from both points of view, I suggested that he shd be confirmed from

NOTE—Contn. sheet.

GPB—65,000—17-6-12

[G. R. S. 12]

General and Revenue Secretariat. | Cls File No. 211 of 1912—13.

Serial No.

23 Mar 1912, and given 20 days from 21 Aug 1913 on his completing 2 years of Continuous service, and the 2nd Councillor agreed with me.

3] The draft may be submitted to Dewan for approval.

20/9/13

Dewan)

Dewan 23/9

Dewan agd Clear 23/9

57471 24.9.13.

38 Offr appd by Dewan

24/11/13. Draft 25/11

Issue 25/11

B 1-12-13

2 To the Regl Ch Court, no J 1599 dt 28.11.13 stating that Mr Lakshminarasimhiengar cannot be confirmed before the 23rd March 14 (for reasons stated).

NOTE—Contn. sheet.

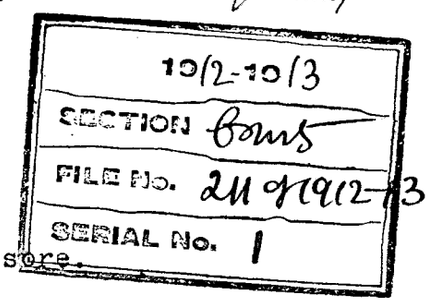
GPB—65,000—17-6-12.

No: 2710/194

CHIEF COURT OF MYSORE,

Bangalore, dated 12th February 1913.

12th DIARY No. 2207



From,

The REGISTRAR of the
Chief Court of Mysore.

To

The SECRETARY to the Govt: of Mysore,
General and Revenue Departments.

S I R,

I am directed to recommend that Mr. N.G. Lakshminarasimha Iyengar, Acting Munsiff, may be confirmed as a Munsiff of the last class with effect from the 23rd March 1912 in the room of Mr. K.N. Narayana Iyengar who died on ~~23rd~~ the 22nd Idem.

I have the honour to be,
Sir,
Your most obedient servant,

Registrar.

N. G.

187.

12
2

Re confirmation of Mr Lakshminarasimha Iyengar, Munsiff

G. R. S. 26]

+

cls File No. 211 of 191

Serial No. 2

Diary No. of letter replied to

No. J 1599.

General and Revenue Secretariat

( )

, *the* 191 .

To

The Registrar,

Chief Court

Date of issue 28-11-13

Signed by Mr S.P. Rajagopala Chari

Sir,

Case under disposal

Adverting to your letter no. 2710/194, dt the 12th Feby 1913, recommending that Mr N.G. Lakshminarasimha Iyengar, Acting Munsiff, may be confirmed as Munsiff of the 1st class with effect from the 23rd May 1912, I am directed to state that Mr Lakshminarasimha Iyengar cannot be confirmed before the 23rd March 1914, as under the

P.T.O.

SUBJECT.

hire scale fixed in the G.O. of
6th Jan.y 1913, the appointment of Floyd
~~This~~ this appeal should be treated as
on probation for two years from the
date of the occurrence of a permanent
vacancy, which in the present
case will be 23rd March 1912.

I have the

24.11.13.

For Secy to Govt

1919

Mily. – 116

18/9/13 MK – 9600 Dy 28-11-13

Copy with Comp Letter, My Sec Govt.
for info.

List of enclosures,

Copied by 27/11

Examined by 27/11

GPB—25,000—8-8-11.